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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WILLIAM J. BUFKIN

Appeal 2007-1857
Application 10/724,958
Technology Center 3600

Decided: August 24, 2007

Before TERRY J. OWENS, LINDA E. HORNER, and
ANTON W. FETTING, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

The Appellant appeals from a rejection of claims 1-10 and 12-20. Claim 11, which is the only other pending claim, stands objected to by the Examiner as dependent from a rejected claim but allowable if rewritten in independent form.

THE INVENTION

The Appellant claims an integrated arm support and mouse table for attachment to a chair armrest. Claim 1 is illustrative:

1. An integrated arm support and mouse table configured to be attached to a chair having an arm rest and a back, comprising:
 - a. a mounting unit, including attachment means for attaching said mounting unit to said arm rest of said chair, and a horizontal pivot joint;
 - b. a pivot bracket, pivotally attached to said mounting unit by said horizontal pivot joint, wherein said pivot bracket further includes an angled pivot joint;
 - c. an arm support, pivotally attached to said pivot bracket by said angled pivot joint, wherein said arm support includes
 - i. an arm rest cover, configured to fit over said arm rest of said chair, and
 - ii. a table attached to said arm rest cover, and being positioned distal from said back of said chair; and
 - d. wherein said arm rest cover opens into a forearm channel shaped to receive a forearm of said user.

THE REFERENCES

Wilson	US 5,135,190	Aug. 4, 1992
Dearing	US 5,490,710	Feb. 13, 1996
Wu	US 6,074,012	Jun. 13, 2000
Roberts	US 6,827,405 B1	Dec. 7, 2004
		(filed Sep. 12, 2003)

THE REJECTIONS

The claims stand rejected as follows: claims 1, 2, 4, 6, 7, 9 and 20 under 35 U.S.C. § 102(b) as anticipated by Wilson; claims 3, 5 and 8 under 35 U.S.C. § 103 as obvious over Wilson in view of Wu; claims 10 and 12-16 under 35 U.S.C. § 103 as obvious over Wilson in view of Wu and Roberts; and claims 17-19 under 35 U.S.C. § 103 as obvious over Wilson in view of Wu and Dearing.

OPINION

The rejections are affirmed as to claims 1, 6, 10, 15 and 17, and reversed as to claims 2-5, 7-9, 12-14, 16 and 18-20.

Wilson discloses “an articulating ergonomic support system for an individual’s forearm, wrist and palm of the hand” (col. 1, ll. 11-13). “The device can be attached to a desk, a computer keyboard tray, arms of a chair, a pedestal base, and other support mechanisms” (col. 3, ll. 5-7). A user’s forearm is supported in a saddle (22) that has a concave portion (28) and is attached to the top portion (14) of a base (12) (col. 4, ll. 27-31). “The concave top portion **28** of saddle **22** is formed in such a way that it cradles the user’s limb and prevents the user’s limb from sliding off which could result if that portion of saddle **22** was flat” (col. 4, ll. 43-46). The system includes a number of swivels that provide an infinite number of variations in the position of limb support (col. 7, l. 59 – col. 8, l. 13). In one embodiment an inverted spoon-shaped member (116) supports the hand and wrist of the user (col. 9, ll. 8-12). The inverted spoon-shaped member comprises an elongated tongue-like wrist-supporting arm (118), one end of

which is pivotally attached to the base and the other end of which has a cupped platform (120) extending therefrom that conforms to the palm of the user's hand (col. 9, ll. 12-24, 53-58).

Wu discloses an adjustable armrest having a rotatable pad (4) disposed on a recess portion (12) of an armrest seat (1) (col. 2, ll. 22-23).

Roberts discloses an armrest that is attached to the arm of a chair using brackets (18) and, optionally, straps (20) (col. 1, ll. 61-67).

Dearing discloses an armchair having a writing tablet (16) with a flat recess (64) in its upper surface for supporting a computer mouse pad (26) (col. 3, ll. 48-50; fig. 2).

Claims 1 and 17

The Appellant argues that Wilson's concave-shaped saddle is not shaped to receive a forearm of the user (Br. 10).¹ Wilson's disclosure that the concave portion of the saddle is formed in such a way that it cradles the user's forearm and prevents the user's forearm from falling off (col. 4, ll. 43-46; col. 9, ll. 8-12, 59-64) indicates that the concave portion is shaped to receive a user's forearm.

We therefore are not convinced of reversible error in the rejection of claim 1. Accordingly, we affirm the rejection of that claim and claim 17 that stands or falls therewith (Br. 7).

¹ The pages in the Brief are unnumbered. The page numbers referred to herein have been provided by the Board.

Claims 2, 4, 7, 9, 12, 14, 16, 18 and 20

Claim 2, its dependent claims 4, 7, 9, 12, 14, 16 and 18, and claim 20 require a table that is separated from an arm rest cover by a vertical offset.

The Examiner argues that the arm portion (118) of Wilson's inverted spoon-shaped member (116) is flat and that the cupped platform (120) of Wilson's spoon-shaped member is vertically offset from the top portion (14) of the base (12) (Ans. 5-6). The Examiner argues that a table is a smooth flat slab fixed on legs or is something that resembles a table, and that Wilson's inverted spoon-shaped member resembles a table. *See id.* The flat portion (118) of Wilson's spoon-shaped member is not separated from the base by a vertical offset (fig. 11), and Wilson's cupped platform (120) does not resemble a smooth flat slab and, therefore, is not a table. Regarding claims 12, 14, 16 and 18 rejected under 35 U.S.C. § 103, the Examiner does not argue that Wilson, Wu, Roberts and Dearing would have fairly suggested a table vertically offset from an armrest cover to one of ordinary skill in the art (Office Action mailed Apr. 7, 2005, p. 5-6; Ans. 8-9).

Hence, we reverse the rejection of claims 2, 4, 7, 9, 12, 14, 16, 18 and 20.

Claims 3, 5, 8, 13 and 19

Claim 3 depends from claim 2 and requires that the vertical offset opens into a wrist channel to receive a wrist of the user and that the forearm channel and the wrist channel are joined. Claims 5, 8, 13 and 19 depend from claim 3.

The Examiner argues that “the motivation to combine Wilson in view of Wu is gleaned from the teachings of Wu that the wrist channel improves upon Wilson[’s] easily adjustable armrest by including a vertically offset wrist channel that is both padded and rotatable with respect to the armrest” (Ans. 7). Claim 2, from which claims 3 and, indirectly, claims 5, 8, 13 and 19 depend, requires a table that is separated from an armrest cover by a vertical offset. As discussed above regarding the rejection of claim 2, Wilson’s arm 118 is not separated from an armrest by a vertical offset, and Wilson’s inverted spoon-shaped member having a cupped platform (120) is not a table. Nor is Wu’s pad (4) a table.

The rejection of claims 3, 5, 8, 13 and 19, therefore, is reversed.

Claim 6

Claim 6 depends from claim 1 and requires that when the upper surface of the pivot bracket is in a horizontal orientation, the angled pivot joint is angularly offset from the armrest.

The Appellant argues that the limitation in claim 6 is not shown in Wilson (Br. 14), but the Appellant does not provide a supporting explanation. The Examiner argues that the pivots in Wilson’s figure 4 meet that limitation (Ans. 8), and the Appellant does not explain why the Examiner is in error.

Accordingly, we affirm the rejection of claim 6.

Claims 10 and 15

Claim 10, which depends from claim 1, and claim 15, which depends from claim 6, require that the mounting unit is attached to the armrest by a locking strap.

The Appellant argues that a mounting unit including a strap looped around the chair armrest and locked into a lock on the mounting unit are not found or suggested in the prior art (Br. 15), but the Appellant provides no supporting explanation. The Examiner argues that it would have been obvious to one of ordinary skill in the art to use Roberts' locking strap with Wilson's mounting unit to provide an arm support that is easily and selectively attached to an arm of a chair (Ans. 5). The Appellant has not explained why the Examiner is in error.

Hence, we affirm the rejection of claims 10 and 15.

DECISION

The rejection of claims 1, 2, 4, 6, 7, 9 and 20 under 35 U.S.C. § 102(b) over Wilson is affirmed as to claims 1 and 6 and reversed as to claims 2, 4, 7, 9 and 20. The rejection of claims 3, 5 and 8 under 35 U.S.C. § 103 over Wilson in view of Wu is reversed. The rejection of claims 10 and 12-16 under 35 U.S.C. § 103 over Wilson in view of Wu and Roberts is affirmed as to claims 10 and 15 and reversed as to claims 12-14 and 16. The rejection of claims 17-19 under 35 U.S.C. § 103 over Wilson in view of Wu and Dearing is affirmed as to claim 17 and reversed as to claims 18 and 19.

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No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART

vsh

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